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**MAILED**

**SEP 28 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Andrew Welcher et al	:	
Application No. 09/927,850	:	ON PETITION
Filed: August 10, 2001	:	
Attorney Docket No. 99,372-F	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 18, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed January 6, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 7, 2006. See MPEP 1215.04.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

**The Office records show the appeal brief and the appeal brief fee has not been received. This petition can not be treated until the appeal brief and the \$540 appeal brief fee is received.**


Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITION  
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                              Alexandria, VA 22314

By facsimile:           (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions